

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* STEFAN GEORG HILD and SANDEEP K. SINGHAL

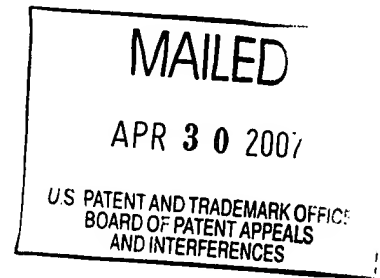
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Appeal 2006-3090  
Application 09/532,937  
Technology Center 2100

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Decided: April 30, 2007

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Before JAMES D. THOMAS, KENNETH W. HAIRSTON, and  
JOSEPH L. DIXON, *Administrative Patent Judges*.

HAIRSTON, *Administrative Patent Judge*.

ORDER TO VACATE AND TO REMAND

In a Decision dated February 16, 2007, the Board affirmed *pro forma* the rejection of claim 21 under the written description portion of 35 U.S.C. § 112 because of a lack of a response to the rejection by the Appellants. According to an Advisory Action mailed by the Examiner on September 24, 2004, it appears that the written description rejection of claim 21 was

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overcome. The notice by the Examiner may explain why the Appellants did not respond to the inexplicable written description rejection of this claim in both the Final Rejection and the Answer.

Accordingly, we hereby VACATE only the portion of our February 16, 2007 Decision wherein we affirmed the rejection of claim 21 under the first paragraph of 35 U.S.C. § 112, and REMAND the application to the Examiner to determine whether the written description rejection applies to claim 21.

This application by virtue of its special status requires an immediate action. It is important that the Board be promptly informed of any action affecting the appeal in this case.

VACATED AND REMANDED

tdl/gw

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